IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12577 of 2005

Between:

1 Mallella Vasu S/o. Late Sri M. Koteswara Rao
R/o. Epurupalem Village, Chirala Mandal, Prakasam District.
2 Mallella Venugopal Rao S/o. Late Sri M. Koteswara Rao
R/o. Epurupalem Village, Chirala Mandal, Prakasam District.
3 Suragani Koteswara Rao S/o. Sri Picchaiah
R/o. Epurupalem Village, Chirala Mandal, Prakasam District.

..... PETITIONERS

AND

1 The District Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Superintendent Engineer (PR) Panchayath Raj Circle, Nellore,
Nellore District.
4 The Executive Engineer, Panchayath Raj, Paruchuru, Paruchuru

Mandal, Prakasam District.
5 Sri Arikati Venkateswarlu Class I Contractor, Ongole, Prakasam

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, Order or Direction, more particularly, one in the nature of writ of Mandamus, declaring the action of the Respondents in entering into the petitioners lands and laying stones, marking with white powder and cutting trees for the purpose of proposed road as illegal and without jurisdiction and further directing the Respondent not to lay any road in the petitioners patta land in Sy.No.s 136/3, 133/3, 123/6, 154/1, 73/6, 112/3, 113/2, 113/3 and 123/2 admeasuring 1 acre 0.84 cents, 2 acres 22 cents, 2 acres 9 cents and 0.52 , 5 acres 16 cents, 0.42 cents, 0.77 cents, 1.35 cents, respectively all are situated in Epurupalem VIllage, Chirala Mandal, Prakasam District, not to disturb the Dariwada Canal without suitable permission from competent authority and to pay Compensation for the trees illegally cut by them.

Counsel for the Petitioner:MR.M.V.DURGA PRASAD
Counsel for the Respondents 1 to 4: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking writ of Mandamus for declaration of the action of the respondents in entering into the petitioners lands and laying stones, marking with white powder and cutting trees for the purpose of proposed road as illegal and without jurisdiction and for further direction not to lay any road in the petitioners lands and not to disturb the Dariwada Canal without suitable permission from the competent authority and to pay Compensation for the trees illegally cut by them.

The case of the petitioners is that they are the absolute owners of the respective lands. As there is a need to extend the existing road, which passes through the lands of the petitioners, the respondents are proposing to acquire their lands illegally without initiating land acquisition proceedings. It is further stated that in the process of acquisition, the fifth respondent claiming to be the Contractor, for laying the proposed road, has planted stones in their lands, marked with white powder and has illegally cut the trees belonging to them without any notice. Hence, the present writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this Court in ***PILLI LAKSHMANA RAO AND OTHERS Vs. EXECUTIVE OFFICER, GRAM PANCHAYATH, CHALLAPALLE AND OTHERS ()***, wherein it is held that when any property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after

considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in **PILLI LAKSHMANA RAO** case (1 supra), if they intend to lay the road in the land of the petitioners, as averred in the affidavit, if not already laid.

With these directions, the writ petition stands disposed of. No order as to costs.

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ELIPE DHARMA RAO, J

Dated 14th June, 2005

YCR

To

1 The District Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Superintendent Engineer (PR) Panchayath Raj Circle,
Nellore, Nellore District.
4 The Executive Engineer, Panchayath Raj, Paruchuru,

Paruchuru Mandal, Prakasam District.
5. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

6. 2 C.D. copies.